

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 25, 2014

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 443

Introduced by Senator Walters

February 21, 2013

An act to amend Sections 1596.793 and 18897 of, to add Section 18897.8 to, and to repeal and add Section 18897.1 of, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Walters. Organized camps.

Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps, and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.

Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

This bill would recast those provisions and instead define an "organized camp," an "organized resident camp," and an "organized day camp," as specified. The bill would require an organized camp to register annually with the local public health officer, and provide the local public health officer with its written operating plan, or written verification that the camp is accredited by the American Camp Association at least 60 days prior to operation of the camp. The bill would provide that failure to comply with these provisions is a

misdemeanor. The bill would authorize the local health officer to assess related *review and investigation* fees.

This bill would prohibit an organized camp from employing or accepting the volunteer services of any person unless he or she has had a fingerprint-based criminal offender record information background check, as specified. The bill would provide that failure to comply with these provisions is a misdemeanor.

Because this bill would impose additional requirements upon local public health officers and cities and counties, and because the bill would create new crimes, it would impose a state-mandated local program.

This bill would require the department, in *adopting or* amending the rules and regulations pertaining to organized camps, to *make reasonable efforts to* obtain the input and advice of prescribed organizations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.793 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.793. This chapter and Chapters 3.5 (commencing with
- 4 Section 1596.90) and 3.6 (commencing with Section 1597.30) do
- 5 not apply to recreation programs conducted for children by
- 6 organized camps established pursuant to Part 2.4 (commencing
- 7 with Section 18897) of Division 13. However, child day care
- 8 programs conducted by these organizations and the fees charged
- 9 for those purposes shall be subject to the requirements of this
- 10 chapter, Chapter 3.5 (commencing with Section 1596.90), and
- 11 Chapter 3.6 (commencing with Section 1597.30).
- 12 SEC. 2. Section 18897 of the Health and Safety Code is
- 13 amended to read:

1 18897. (a) “Organized camp” means an organized resident
2 camp or an organized day camp that operates seasonally to ~~provides~~
3 *provide* group-based recreation and expanded learning
4 opportunities with social, spiritual, educational, or recreational
5 programs and services on a seasonal basis.

6 (1) A group that leases an organized camp for the purpose of
7 conducting a camp for children under 18 years of age shall comply
8 with this part.

9 (2) An “organized camp” does not include any of the following:

10 (A) A hotel, motel, tourist camp, trailer park, resort, hunting
11 camp, auto court, labor camp, penal or correctional camp, or other
12 program or facility subject to occupancy taxes, home-finding
13 agencies, or a licensed child day care facility as defined in Section
14 1596.750.

15 (B) A charitable or recreational organization that complies with
16 the rules and regulations for recreational trailer parks.

17 (C) Sites or programs that are used by adults or groups for
18 counseling, religious retreats, reunions, conferences, and special
19 events on an intermittent, short-term basis of less than four
20 consecutive overnight stays.

21 ~~(3)~~

22 (D) Programs offered by cities, counties, or special districts that
23 comply with subdivision (c) of Section 18897.1.

24 (b) “Organized resident camp” means a site or sites with
25 programs and facilities established for the primary purposes of
26 providing group living experiences and that provides overnight
27 stays during one or more seasons of the year, excluding field trips
28 as provided for under subparagraph (B) of paragraph (2) of
29 subdivision (c).

30 (c) (1) “Organized day camp” means a program that is
31 established for the primary purpose of providing group experiences
32 for children under 18 years of age during the day between the hours
33 of 6 a.m. and 8 p.m.

34 (2) An organized day camp may do all of the following:

35 (A) Transport campers to parks, beaches, campsites, and other
36 locations for activities.

37 (B) Provide for offsite field trips for no more than three
38 consecutive days. Any organized day camp that provides offsite
39 field trips for more than two consecutive nights shall be considered
40 an organized resident camp.

(d) “Camper” means any person in an organized camp on a fee or nonfee basis who is a participant in the regular program and training of an organized camp, and who may take on duties relating to that program and training.

SEC. 3. Section 18897.1 of the Health and Safety Code is repealed.

SEC. 4. Section 18897.1 is added to the Health and Safety Code, to read:

18897.1. (a) An organized camp shall register annually with the local public health officer or his or her designee prior to operation. An organized camp without a fixed location shall register with the local public health department as an organized camp in the county in which its business office is located.

(b) (1) An organized camp shall provide the local public health officer or his or her designee with a copy of its written operating plan or a written verification that the organized camp is accredited by the American Camp Association (ACA) and that describes the program of organized and supervised activities of the camp as specified in regulation.

(A) An organized camp shall file its operating plan with the local public health officer or his or her designee at least 60 days prior to operation of the camp.

(B) Within 45 days, the local public health officer or his or her designee shall review and acknowledge receipt of the operating plan.

(C) The local public health officer may charge a fee for the review of an operating plan, *for compliant investigations, and for compliant appeals* that shall not exceed the actual cost of ~~plan review~~ *these activities*. Upon receipt of the local public health officer’s determination, a camp shall post a copy of the ~~certification plan~~ in a conspicuous location on the camp premises, and on the camp’s Internet Web site, if applicable.

(D) A camp operation plan is deemed approved if a camp has not received approval from the local public health department within 60 days.

(2) Complaints *concerning health and safety violations, as established in the rules and regulations establishing minimum standards for organized camps*, may be filed with the local public health officer or his or her designee and may be made either orally or in writing to the local public health officer. Unless the local

1 public health officer determines that the complaint is willfully
2 intended to harass an organized camp or is without any reasonable
3 basis, the local public health officer shall conduct an investigation
4 of the complaint within 30 days.

5 (A) A summary and explanation of violations shall be given to
6 the camp within 30 days of conducting a complaint investigation.

7 (B) If a complaint investigation is not made, a citation shall not
8 be imposed on the camp.

9 (C) A camp that has been cited for failing to meet legal
10 requirements has the right to appeal a citation to the local health
11 department. The local health department shall respond to the appeal
12 within 30 days, after which time, the appeal determination shall
13 be final.

14 (c) (1) (A) An organized camp shall not employ or accept the
15 volunteer services of any person under 28 years of age who may
16 have contact with children at the camp, unless he or she has had
17 a fingerprint-based criminal offender record information
18 background check. An organized camp shall submit all potential
19 employees and volunteers under 28 years of age to the Department
20 of Justice for a state and federal level background check pursuant
21 to Section 11105.3 of the Penal Code and request subsequent
22 notification service pursuant to Section 11105.2 of the Penal Code,
23 from the Department of Justice.

24 (B) If the organized camp finds that the applicant has been
25 convicted or is awaiting trial for any crime specified in clause (i)
26 of subparagraph (C) of paragraph (1) of subdivision (g) of Section
27 1522, the organized camp may not grant an exemption.

28 (2) (A) An organized camp shall not employ or accept the
29 volunteer services of any person over 28 years of age who may
30 have contact with children at the camp, unless he or she has had
31 a fingerprint-based criminal offender record information
32 background check.

33 (B) If the organized camp finds that the applicant has been
34 convicted or is awaiting trial for any crime specified in clause (i)
35 of subparagraph (C) of paragraph (1) of subdivision (g) of Section
36 1522, the organized camp may not grant an exemption.

37 (C) An organized camp shall submit to the Department of Justice
38 fingerprint images and related information of all potential
39 employees and volunteers 28 years of age or older required by the
40 department for the purposes of obtaining information as to the

1 existence and content of a record of state or federal convictions
2 and state or federal arrests and also information as to the existence
3 and content of a record of state or federal arrests for which the
4 Department of Justice establishes that the person is free on bail or
5 on his or her own recognizance pending trial or appeal.

6 (i) The Department of Justice shall forward to the Federal
7 Bureau of Investigation requests for federal summary criminal
8 history information received pursuant to this paragraph. The
9 Department of Justice shall review the information returned from
10 the Federal Bureau of Investigation and compile and disseminate
11 a fitness determination to the organized camp.

12 (ii) The Department of Justice shall provide a state or
13 federal-level response or fitness determination to the organized
14 camp pursuant to paragraph (1) of subdivision (p) of Section 11105
15 of the Penal Code.

16 (iii) The organized camp shall request from the Department of
17 Justice subsequent notification service pursuant to Section 11105.2
18 of the Penal Code.

19 (3) The Department of Justice shall charge a fee sufficient to
20 cover the cost of processing the requests described in this
21 subdivision.

22 (d) A violation of this section is a misdemeanor.

23 SEC. 5. Section 18897.8 is added to the Health and Safety
24 Code, immediately following Section 18897.7, to read:

25 18897.8. The State Department of Public Health, in adopting
26 or amending the rules and regulations pertaining to organized
27 resident camps and organized day camps under this part, shall
28 make reasonable efforts to obtain the input and advice of
29 organizations in the field. All costs incurred by the participating
30 organizations shall be borne by the organizations themselves. The
31 department shall implement this section in the most cost-effective
32 manner deemed feasible.

33 SEC. 6. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 a local agency or school district has the authority to levy service
36 charges, fees, or assessments sufficient to pay for the program or
37 level of service mandated by this act, within the meaning of Section
38 17556 of the Government Code.

39 However, if the Commission on State Mandates determines that
40 this act contains other costs mandated by the state, reimbursement

1 to local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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